

NEW HAMPSHIRE DEPARTMENT OF  
ENVIRONMENTAL SERVICES

GROUNDWATER MANAGEMENT  
PERMIT NO. GWP-198706002-C-002

**RECEIVED**

MAY 08 2006

06-07 WMC

**MOTION FOR WAIVER OF FILING DEADLINE FOR**  
**NOTICE OF APPEAL**

NOW COMES General Auto Sales, Inc., of Newport Road, Claremont, New Hampshire, and hereby moves for waiver of the thirty-day period for filing a Notice of Appeal, on the following grounds:

1. The matter being appealed by the Notice of Appeal filed this date is the Groundwater Management Permit No. GWP-198706002-002 which was issued on February 20, 2006.
2. Any appeal of said Permit should normally be made within thirty (30) days of the issuance of said Permit.
3. Although appellant's property is apparently included in the Groundwater Management Zone, appellant had no notice of the issuance of said permit until receipt of a letter dated April 5, 2006, from the permittee City of Claremont. See April 5, 2006, letter attached hereto.
4. Thus appellant had no notice of the inclusion of its property in the Groundwater Management Zone until after the thirty-day appeal period had already expired.
5. Within thirty (30) days of receipt of the Notice from the City, appellant on May 4, 2006, filed a letter with the Appeals Clerk purporting to file an appeal of the above-referenced permit. Although not in compliance with the Department's

rules governing the filing of a Notice of Appeal, said letter was filed within thirty (30) days of the City's letter and did contain the gravamen of the appellant's complaint about the permit.

6. No prejudice will result to the permittee or any party by allowing the Notice of Appeal to be filed late since the permittee had already installed the monitoring wells on, and made use of, appellant's property long before the issuance of the February 20, 2006, permit.

WHEREFORE, appellant respectfully requests that the Water Resources Council:

- A. Waive the thirty-day period for filing a Notice of Appeal on the ground that appellant had no notice of the issuance of the permit until receipt of the permittee's April 5, 2006, letter attached hereto; and
- B. Order such other and further relief as may be just.

Respectfully submitted,

GENERAL AUTO SALES, INC.  
By Its Attorneys  
Preti, Flaherty, Beliveau & Pachios, PLLP  
57 North Main Street  
P.O. Box 1318  
Concord, NH 03302-1318  
(603) 410-1500

By

  
Mark J. Duffe

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion has this 8<sup>th</sup> day of May, 2006, been mailed by first class mail, postage prepaid to:

Robert R. Scott, Director  
Dept. of Environmental Services  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095  
(603) 271-3503  
(603) 271-2867 (fax)

Michel P. Nolin, Commissioner  
Dept. of Environmental Services  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095  
(603) 271-3503  
(603) 271-2867 (fax)

City of Claremont  
58 Opera House Square  
Claremont, NH 03743  
(603) 542-7002  
(603) 542-7014 (fax)  
[citymanager@claremontnh.com](mailto:citymanager@claremontnh.com)

~~COPY~~  
Mark H. Puffer



Department of Public Works  
8 Grandview Street  
Claremont, NH 03743  
(603) 542-7020

April 5, 2006

## **NOTICE OF GROUNDWATER MANAGEMENT PERMIT GWP - 198706002-C-002**

The New Hampshire Department of Environmental Services has issued Groundwater Management Permit #198706002-C-002 to the City of Claremont. The property is identified as Tax Map 137 - Lot 17 and Tax Map 149 - Lot 1, and recorded at the Sullivan County Registry of Deeds in Book #395 - Page 586 and Book #368 - Page 193.

By definition all unlined solid waste landfills must obtain a Groundwater Management Permit which requires that there shall be no violation of groundwater quality criteria outside the Groundwater Management Zone (GMZ). The GMZ is defined as the subsurface volume in which groundwater contamination associated with a discharge of a regulated contaminant is contained. For unlined solid waste landfill with no groundwater contamination, the groundwater management zone means the subsurface volume beneath the area delineated by the property boundary. This Permit establishes a GMZ for the landfill in accordance with NH Code of Administrative Rule Env-Wm 1403. The existing permit was issued on February 20, 2006 and expires on February 19, 2011 unless renewed. Permit monitoring shall continue until the permit is renewed or the Department issues a release of permit.

In accordance with Section Env-Wm 1403:17, Notice of Groundwater Management Permit must be recorded in the chain of title of each property located within the GMZ at the Registry of Deeds for the county in which the property is located. This Notice of Groundwater Management Permit establishes the GMZ as documented below and the permit shall remain in effect until such time as groundwater quality criteria are restored within the GMZ and NHDES issues a release of recordation.

The following properties are located within the GMZ and are subject to the restrictions contained in the Permit, which is available for review at the New Hampshire Department of Environmental Services, 29 Hazen Drive, Concord, NH 03301.

<u>Property Owner/Address</u>	<u>Tax Map/Lot</u>	<u>Deed Reference</u>
Claremont Landfill	137/17	Book 395 Page 586
Newport Road	149/1	Book 368 Page 193
Claremont, NH 03743		

Owner  
City of Claremont  
City Hall  
58 Opera House Square  
Claremont, NH 03743

General Auto Sales	137/16	Book 726 Page 266
Newport Road	149/3	Book 726 Page 264
Claremont, NH 03743	136/5	Book 1263 Page 967

Owner  
General Auto Sales  
PO Box 177  
Newport Road  
Claremont, NH 03743

Bruce K. Temple

  
**COPY**  
Director of Public Works  
April 5, 2006